

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LONNIE B. MILLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-0483-CV-W-FJG
	)	
JOANNE BARNHART,	)	
Commissioner, Social Security	)	
Administration	)	
	)	
Defendant.	)	

**ORDER**

Currently pending before the Court is defendant's Motion to Reverse and Remand (Doc. # 20).

Agency counsel states that after review of the above referenced case, agency counsel requested the Appeals Council to reconsider the Commissioner's decision. Upon review, the Appeals Council determined that remand was appropriate. Agency counsel states that upon remand the ALJ will be directed to evaluate the cessation of plaintiff's benefits under the appropriate regulations, 20 C.F.R. § 416.994. Agency counsel states that the ALJ evaluated plaintiff's termination of benefits under the five step evaluation process, rather than the eight step evaluation process used for evaluating medical improvement. Additionally, the ALJ should obtain an additional mental status consultative examination, with intelligence quotient testing, in order to properly determine plaintiff's current functioning with respect to his previous diagnosis of mental retardation. The ALJ should also obtain testimony from a mental health medical expert and also obtain a physical consultative examination, with objective evidence, to

properly evaluate plaintiff's alleged physical impairments.

Therefore, this Court hereby **ORDERS** that the Administrative Law Judge's decision is **REVERSED** and this case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Date: October 24, 2005  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge